

REMARKS

Claims 1-5 are pending. New claims 6-9 are added herein. Thus claims 1-9 are now pending. The applicants respectfully request reconsideration and allowance of this application in view of the above amendments and the following remarks.

The applicants note with appreciation the acknowledgement of the claim for priority under section 119 and the notice that all of the certified copies of the priority documents have been received.

The applicants acknowledge and appreciate receiving an initialed copy of the form PTO-1449 which accompanied the Information Disclosure Statement that was filed on April 1, 2004.

The Abstract of the Disclosure was objected to for a minor informality, which is corrected herein. The disclosure was further objected to for containing an incorrect reference number. The reference to case 26 is corrected herein to case 31. The applicants thank the Examiner for careful review of the specification.

Claims were rejected under 35 USC 112, second paragraph, as being allegedly indefinite. The applicants respectfully request that this rejection be withdrawn for the following reasons.

Claims 1, 3 and 4 stand rejected under 35 USC 102(b) as being allegedly anticipated by applicants' allegedly admitted prior art (AAPA). The applicants respectfully request that this rejection be withdrawn for the following reasons.

By way of brief review, the present invention is characterized, for example with regard to claim 1 as amended, by a pressure sensor (30) mounted to an outer wall (26a) of an intake system module (21) of an engine (28). A sensor IC (33) is mounted to a board (32) and has a pressure sensor element (33a) covered with a mold resin (33b). A pressure introduction hole

(33c) is further formed in the mold resin (33b) and extends outward from the pressure sensor element (33a) so as to open to an outer surface of the mold resin (33b). The pressure sensor (30) is further provided with a case (31) to accommodate the sensor IC (33) and the board (32). The case (31) is fixed to the outer wall (26a) so that the pressure introduction inlet (31a) of the case (31) is opposed to a pressure introduction outlet (26b) of the outer wall (26a). The pressure sensor (30) is still further provided with a interposed member (34, 36) disposed between the inner wall of the case (31) and the outer surface of the mold resin (33b).

In making the rejection, the Examiner has asserted that the prior art, as shown, for example, in Figures 5 and 6 of applicants' specification, anticipates the claimed invention. The applicants respectfully disagree and note several distinctions in the discussion noted herein below.

Applicants first note that a close review of, for example, Figure 6, clearly reveals the differences between the invention according to claim 1 and the prior art. For example, with reference to Figure 6 and the paragraph beginning on page 2, line 16, the prior art sensor relies on a hose (10) inserted into a hose insertion bore (11a) and connected to a pressure introduction pipe (13b). Such a conventional structure has a high cost both in additional process and materials associated with mounting the sensor IC (13), connecting the hose (10), and providing the pressure introduction pipe (13b). The conventional structure has the additional disadvantage in that vibration can cause hose (10) to impinge on the edge of the hose insertion bore (11a) and can thus crack and break (page 3, line 6). Further, vibration is coupled directly to the sensor IC (13) causing contact failure between the terminal (13c) and the solder (12a) (page 3, line 9). The primary disadvantages of the conventional structure are directly related to the configuration of the hose 10 coupled to the pipe 13b, and are addressed by the present invention as noted on page 4, lines 9-14.

The claimed invention can be distinguished from the conventional structure in that the conventional structure fails to include, for example, an interposed member including a resilient member. The claimed interposed member has a communication hole, and, unlike the conventional structure of AAPA, is disposed *between an inner wall of a case and an outer surface of a mold resin* so as to allow the pressure introduction inlet to communicate with an pressure introduction hole without air leakage.

Applicants note that the term interposed can be defined as that which is inserted or introduced between other parts. The hose (10) of the AAPA clearly extends through the case 11 and thus does not amount to an interposing member and is not disposed between an inner wall thereof and an outer surface of a mold resin. The hose (10) further contacts only the pressure introduction pipe 13b, which is described as protruding outward from the outer surface of the resin 13a. Thus, it cannot be fairly said that the pressure introduction pipe 13b and the outer surface of the resin 13a are one in the same. Accordingly, the AAPA further fails to include an interposed member disposed between an outer surface of a mold resin and an inner wall of a case as claimed.

Accordingly, a *prima facie* case of anticipation has not properly been established in that the AAPA fails to include all the claimed features as required. It is respectfully requested that the rejection of independent claim 1 be reconsidered and withdrawn.

Claims 3 and 4, by virtue of depending from claim 1 are allowable for at least the reasons set forth hereinabove with regard to claim 1. It is respectfully requested that the rejection of claims 3 and 4 be reconsidered and withdrawn.

Claims 1-3 stand rejected under 35 USC 102(b) as being allegedly anticipated by Norman et al., U.S. Patent No. 6,155,119 (hereinafter "Norman"). The applicants respectfully request that this rejection be withdrawn for the following reasons.

In making the rejection, the Examiner has indicated, *inter alia*, that the sleeve 22 amounts to the claimed interposing member. With reference to the remarks noted hereinabove, applicants respectfully disagree with the Examiner's characterization of Norman with regard to the sleeve 22.

A close review of Norman, for example in col. 6, lines 57 and 58, reveals only that the sleeve 22 must project above the upper rim of the encapsulation. Such a description does not amount to the required teaching of the interposing member as claimed. Thus, Norman fails to disclose or suggest an interposing member disposed between an inner wall of a case and an outer surface of a mold resin. Sleeve 22 is further described only as being inserted into pressure channel 5. Thus, Norman fails to disclose or suggest an interposing member disposed between an outer surface of a mold resin and an inner wall of a case as claimed.

Accordingly, a *prima facie* case of anticipation has not properly been established in that Norman fails to include all the claimed features as required. It is respectfully requested that the rejection of independent claim 1 be reconsidered and withdrawn.

Claims 2 and 3, by virtue of depending from claim 1 are allowable for at least the reasons set forth hereinabove with regard to claim 1. It is respectfully requested that the rejection of claims 2 and 3 be reconsidered and withdrawn.

Claims 4 and 5 stand rejected under 35 USC 103(a) as being allegedly unpatentable over AAPA in view of Karasawa et al., Japanese Application No. 2003/049678 (hereinafter "Karasawa"). The applicants respectfully request that this rejection be withdrawn for the following reasons.

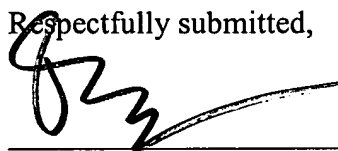
Claims 4 and 5, by virtue of depending from claim 1 are allowable for at least the reasons set forth hereinabove with regard to claim 1. It is respectfully requested that the rejection of claims 4 and 5 be reconsidered and withdrawn.

New claims 6-9 are submitted herewith to provide alternative claim coverage to embodiments including the resilient member as described and supported, for example, on page 4, line 24 of applicants' specification. Since claims 6-9 include arrangements of elements already presented for examination, no further search should be required. Favorable consideration is respectfully requested.

In view of the foregoing, the applicants respectfully submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

Please charge any unforeseen fees that may be due to Deposit Account No. 50-1147.

Respectfully submitted,



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